

*United States District Court
Eastern District of California
1130 O Street, Room 5000
Fresno, CA 93721
(559) 498-7483*

FILED
RECEIVED OFFICE
APR 12 P 4:40
U.S. DISTRICT COURT
DISTRICT OF MASS.

April 8, 2004

**US District Court
District of Massachusetts
2300 United States Courthouse
One Courthouse Way
Boston, MA 02210-3002**

**RE: USA vs. Ellsworth Roston
MG-F-04-2071**

Dear Clerk,

Pursuant to order transferring the above captioned case to your court, dated 4/7/04, transmitted herewith are a certified copy of docket entries and original case file documents.

Please acknowledge receipt of the above documents by endorsing the copy of this letter provided.

**Sincerely,
Jack L. Wagner, Clerk**

by: 
J. Vasquez, Deputy Clerk

DATE RECEIVED: _____
NEW CASE NUMBER: _____

U.S. District Court
EASTERN DISTRICT OF CALIFORNIA (Fresno)

CRIMINAL DOCKET FOR CASE #: 04-M -2071-ALL

USA v. Roston
Dkt# in other court: None

ELLSWORTH - ROSTON (1)
defendant
[term 04/07/04]

Ann Hardgrove Voris
[term 04/07/04]
15594875950
[COR LD NTC pdal]
United States Federal
Defender's Office
2300 Tulare Street
Suite 330
Fresno, CA 93721
559-487-5561

Pending Counts:

NONE

Terminated Counts:

NONE

Complaints:

NONE

I hereby attest and certify on 4.8.04
that the foregoing document is a full, true
and correct copy of the original on file in my
office and in my legal custody.
JACK L. WAGNER
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
By *J. Wagner* Deputy

INTERNAL USE ONLY: Proceedings include all events.
1:04m 2071-ALL USA v. Roston

TERMED

ELLSWORTH - ROSTON

defendant

=====

USA

plaintiff

U. S. Attorneys:

NONE

COMMITMENT TO ANOTHER DISTRICT

Rule 40 Federal Rules of Criminal Procedures

UNITED STATES DISTRICT COURT Eastern District of California		FILED CLERK'S OFFICE FILED
UNITED STATES OF AMERICA VS ELLSWORTH ROSTON	2004 APR 12 U.S. DISTRICT COURT DISTRICT OF MASS.	(Docket) Number APR 07 2004 CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA Magistrate Case Number DEPUTY CLERK MG-F-04-2071 (04-10021-PBS)
CHARGES AGAINST THE DEFENDANT ARE FILED BASED UPON AN <input checked="" type="checkbox"/> INDICTMENT <input type="checkbox"/> INFORMATION <input type="checkbox"/> COMPLAINT <input type="checkbox"/> OTHER (SPECIFY)		
CHARGING A VIOLATION OF: <u>18</u> U.S.C. § SECTION <u>471, 472, 474</u>		
DISTRICT OF OFFENSE <u>MASSACHUSETTS</u>		
DESCRIPTION OF CHARGES: <u>Making counterfeit obligations, uttering counterfeit obligations, possession of counterfeiting plates</u>		
CURRENT BOND STATUS: <input type="checkbox"/> Bail fixed at _____ and conditions were not met <input checked="" type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify) _____		
Representation: <input type="checkbox"/> Retained Counsel <input checked="" type="checkbox"/> Federal Defender <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None		
Interpreter Required? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Language: _____		
TO: THE UNITED STATES MARSHAL You are hereby commanded to take custody of the above named defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for the District or to some other officer authorized to receive the defendant.		
Date <u>April 7, 2004</u>		<u>[Signature]</u> United States Judge or Magistrate
RETURN		I hereby attest and certify on <u>4.8.04</u> that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody. JACK L. WAGNER CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA
THIS COMMITMENT WAS RECEIVED AND EXECUTED AS FOLLOWS:		
DATE COMMITMENT ORDER RECEIVED	PLACE OF COMMITMENT	
DATE	UNITED STATES MARSHAL	
		By <u>[Signature]</u> Deputy

5

04/06/04 10:28 FAX 6175655655
02/17/04 14:06 FAX 6175655655
02/05/04 11:30 FAX 6175655655

Case 04-10021-NG Document 3 Filed 04/12/2004 Page 5 of 15

002
007
005

FEB 24 2004 14:33 FR US J-MA WARRANTS 617 748 2579 TO 1 175655659 P.02

FILED

FILED

AO 442 (Rev. 5/93) Warrant for Arrest

2004 APR -3 A 10:11

United States District Court

2004 APR -6 P 12:36

CLERK, US DIST. COURT
EASTERN DIST. OF CALIF.
AT FRESNO
DISTRICT OF MASSACHUSETTS
DEPUTY

CLERK, US DIST. COURT
EASTERN DIST. OF CALIF.
AT FRESNO

UNITED STATES OF AMERICA

BY

WARRANT FOR ARREST

V.

ELLSWORTH ROSTON

CASE NUMBER: 04-10021-PBS

To: The United States Marshal
and any Authorized United States Officer **04-2071**

YOU ARE HEREBY COMMANDED to arrest

Ellsworth Roston
Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☒ Probation Violation Petition

charging him or her with (brief description of offense)

making counterfeit obligations, uttering counterfeit obligations, possession of counterfeit plates, and possession of counterfeit obligations

In violation of
Title

18

United States Code, Section(s) 471, 472, 474

Name of Issuing Officer

Signature of Issuing Officer



Title of Issuing Officer

JAN 28 2004

Date and Location

HON. ROBERT B. COLLINGS
UNITED STATES MAGISTRATE JUDGE
United States District Court
United States Courthouse, - Suite 6420
1 Courthouse Way
Boston, MA 02210

Name of Judicial Officer

Bail fixed at \$

by

RETURN

This warrant was received and executed with the arrest of the above-named defendant at Taft

Correctional Institution, Taft, CA

DATE RECEIVED

1/28/04

NAME AND TITLE OF ARRESTING OFFICER

Jason Blid

SIGNATURE OF ARRESTING OFFICER

Jason Blid

DATE OF ARREST

4/5/04

U.S. Secret Service

This form was electronically produced by Efile Federal Forms, Inc.

at 11:00 Am

*** TOTAL PAGE. 02 ***

FILEDUNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

APR 07 2004

UNITED STATES OF AMERICA,

Plaintiff,

v.
Ellsworth Roston
Defendant,CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERKNO. M6F-04-2071**DETENTION ORDER****A. Order For Detention**

After conducting a detention hearing pursuant to 18 U.S.C. §3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. §3142(e) and (i).

B. Statement Of Reasons For The Detention

The Court orders the defendant's detention because it finds:

- ☒ By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.
- ☐ By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

C. Finding Of Fact

The Court's findings are based on the evidence which was presented in Court and that which was contained in the Pretrial Services Report, and includes the following:

- ☒ (1) Nature and circumstances of the offense charged:
- ☒ (a) The crime: 18 USC 471, 472, 474 - Counterfeiting
Out of Dist (Massachusetts) warrant
is a serious crime and carries a maximum penalty of _____.
- ☐ (b) The offense is a crime of violence.
- ☐ (c) The offense involves a narcotic drug.
- ☐ (d) The offense involves a large amount of controlled substances, to wit: _____
- ☒ (2) The weight of the evidence against the defendant is high.
- ☒ (3) The history and characteristics of the defendant including:
- (a) General Factors:
- ☐ The defendant appears to have a mental condition which may affect whether the defendant will appear.
- ☒ The defendant has no family ties in the area.
- ☒ The defendant has no steady employment.
- ☒ The defendant has no substantial financial resources.
- ☒ The defendant is not a long time resident of the community.
- ☒ The defendant does not have any significant community ties.
- ☐ Past conduct of the defendant: _____
- ☐ The defendant has a history relating to drug abuse.
- ☒ The defendant has a history relating to alcohol abuse.
- ☐ The defendant has a significant prior criminal record.
- ☐ The defendant has a prior record of failure to appear at court proceedings.

DETENTION ORDER - Page 2

(b) Whether the defendant was on probation, parole, or release by a court:

At the time of the current arrest, the defendant was on:

_____ Probation

_____ Parole

_____ Release pending trial, sentence, appeal or completion of sentence.

(c) Other Factors:

_____ The defendant is an illegal alien and is subject to deportation.

_____ The defendant is a legal alien and will be subject to deportation if convicted.

✓ Other: Just being released from Fed Prison.

_____ (4) The nature and seriousness of the danger posed by the defendant's release are as follows: _____

_____ (5) Rebuttable Presumptions

In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. §3142(e) which the Court finds the defendant has not rebutted:

_____ a. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:

_____ (A) A crime of violence; or

_____ (B) An offense for which the maximum penalty is life imprisonment or death; or

_____ (C) A controlled substance violation which has a maximum penalty of 10 years or more; or

_____ (D) A felony after the defendant had been convicted of two or more prior offenses described in (A) through (C) above, and the defendant has a prior conviction for one of the crimes mentioned in (A) through (C) above which is less than five years old and which was committed while the defendant was on pretrial release.

_____ b. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:

_____ (A) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.

_____ (B) That the defendant has committed an offense under 18 U.S.C. §924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. §3142(i)(2)-(4), the Court directs that:

The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

The defendant be afforded reasonable opportunity for private consultation with his counsel; and

That, on order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 7, 2004

Langston
UNITED STATES MAGISTRATE

UNITED STATES DISTRICT COURT

Eastern District of California

UNITED STATES OF AMERICA

vs.

ELLSWORTH ROSTON

() O/R

(X) Custody

() Bond

() Waiver

MGST JUDGE LAWRENCE J. O'NEILL

DKT # MG-F-04-2071

DATE: 4/7/04

TIME: 11:00 am/pm

CLERK: L. LIRA

C/R or TAPE# ECRO

FILED

APR 07 2004

ATTORNEY for DEFENDANT: A. Voris

() Apt () Ret (X) Fed () Special Appearance

Interpreter _____

AUSA K. Escobar
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

 (X) Defendant present with counsel () No appearance by defendant () counsel () B/W to issue, Bail \$ _____
 () Matter continued to _____ at _____ am/pm before _____
 for _____

() FIRST APPEARANCE: () Complaint (X) Out of Dist Warrant / Other : Massachusetts

Counsel to be: (X) Fed Def Appointed () to be Retained () Panel out () dft may have to reimburse re atty fees

(X) DETENTION HEARING:

() Detention hearing waived

() Detention set for _____

at _____ am/pm before _____

(X) Ordered detained

() Ordered released - see attached

() BAIL REVIEW

(X) Reading of rights and Complaint: (X) waived () read

(X) True name is: (X) Stated as charged

() Stated to be:

() Dft pleads not guilty / guilty, Rule 11 to _____

() Ct(s) _____ Dismissed

() Requests discovery & Ordered by _____

() Dft is referred to P.O. & SENTENCING is set for:

_____ at _____ am/pm
before _____

() TRIAL set for _____ at _____ am/pm

JT / CT before _____

() T/C _____ at _____ am/pm

() STATUS CONFERENCE: () Held and/or

() set for _____ at _____ am/pm
before _____

() Motion Schedule: Filed by _____ Response by _____

Hearing on _____ at _____ am/pm before _____

() Excludable Time Ordered: Start _____ Ends: ruling / hrg _____ Code: _____

() PROBATION REVOCATION:

Violations are: () Admitted, Cts _____ () Denied, Cts _____

() Waives Rights and further reading

() Set for further hearing on _____ at _____ am/pm before _____

() Evidentiary hearing: () Heard () set for _____ before _____

() Probation revoked Ordered _____ days/months/years custody

() AUSA moves to dismiss Count(s) _____

() Probation reinstated - Following is ORDERED:

04/06/04 10:06 FAX 6175655859
02/17/04 14:06 FAX 6175655859
02/05/04 11:30 FAX 6175655659

Case 04-10021-NG Document 3A Filed 04/12/2004 Page 9 of 15

002
007
005

FEB 04 2004 14:33 FR US J-MR WARRANTS 617 748 2579 TO L 175655659 P.02

FILED

AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

2004 APR -6 P 12:36

DISTRICT OF MASSACHUSETTS

CLERK, US DIST. COURT
EASTERN DIST. OF CALIF
AT FRESNO

UNITED STATES OF AMERICA

BY

WARRANT FOR ARREST

V.

ELLSWORTH ROSTON

CASE NUMBER: 04-10021-PBS

To: The United States Marshal
and any Authorized United States Officer **04-2071**

YOU ARE HEREBY COMMANDED to arrest

Ellsworth Roston

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice

Probation Violation
Petition

charging him or her with (brief description of offense)

making counterfeit obligations, uttering counterfeit obligations, possession of counterfeiting plates, and possession of counterfeit obligations

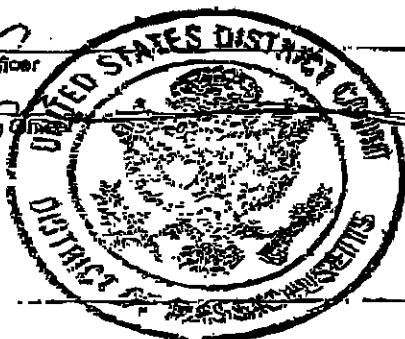
In violation of
Title

18

United States Code, Section(s) 471, 472, 474

Name of Issuing Officer

Signature of Issuing Officer



Title of Issuing Officer

JAN 28 2004

Date and Location

HON. ROBERT D. COLLINGS
UNITED STATES MAGISTRATE JUDGE
United States District Court
United States Courthouse, - Suite 6420
1 Courthouse Way
Boston, MA 02210

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

Court Appearance 4-7-04
at 11:00 Am

This form was electronically produced by Elite Federal Forms, Inc.

*** TOTAL PAGE. 02 ***

02-18-2004 15:36

From-US ATTORNEYS OFFICE

6177483951

T-406 P.002/007 F-635

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

ELLSWORTH ROSTON)

CRIMINAL NO.: 04-10021-PBS

VIOLATIONS:

18 U.S.C. § 471 -

Making Counterfeit Obligations

18 U.S.C. § 472 -

Uttering Counterfeit

Obligations

18 U.S.C. § 474 -

Possession of Counterfeiting

Plates

18 U.S.C. § 474 -

Possession of Counterfeit

Obligations

INDICTMENT

COUNT ONE: (18 U.S.C. § 471 - Making Counterfeit Obligations)

The Grand Jury charges that:

From on or about a date in 2001 to on or about March 31,
2003, at Quincy and elsewhere in the District of Massachusetts,

ELLSWORTH ROSTON,

defendant herein, did, with intent to defraud, falsely make,
forge, and counterfeit various obligations and other securities
of the United States.

All in violation of Title 18, United States Code, Section
471.

02-18-2004 15:36

From-US ATTORNEYS OFFICE

8177483951

T-405

P.003/007

F-635

COUNT TWO: (18 U.S.C. S 472 - Uttering Counterfeit Obligations)

The Grand Jury further charges that:

In or about March 7, 2003, at Weymouth, in the District of
Massachusetts,

ELLSWORTH BOSTON,

defendant herein, did, with intent to defraud, pass, utter,
publish, and sell various falsely made, forged, and counterfeited
obligations and other securities of the United States.

All in violation of Title 18, United States Code, Section
472.

02-18-2004 16:36

From-US ATTORNEYS OFFICE

6177483861

T-405 P.004/007

F-635

COUNT THREE: (18 U.S.C. § 472 - Uttering Counterfeit Obligations)

The Grand Jury further charges that:

In or about March 7, 2003, at Weymouth, in the District of
Massachusetts,

ELLSWORTH ROSTON,

defendant herein, did, with intent to defraud, pass, utter,
publish, and sell various falsely made, forged, and counterfeited
obligations and other securities of the United States.

All in violation of Title 18, United States Code, Section
472.

02-18-2004 15:37

From-US ATTORNEYS OFFICE

6177483951

T-405 P.005/007

F-635

COUNT FOUR: (18 U.S.C. § 474 - Possession of Counterfeiting Plates)

The Grand Jury further charges that:

On or about March 31, 2003, at Quincy, in the District of Massachusetts,

ELLSWORTH BOSTON,

defendant herein, did knowingly have in his control, custody, and possession plates, stones, and other things made after and in the similitude of one or more plates, stones, and other things from which an obligation and other security of the United States has been printed, with intent to use such plate, stone, and other things, and to suffer the same to be used, in forging and counterfeiting various obligations and securities of the United States.

All in violation of Title 18, United States Code, Section 474.

02-18-2004 15:37

From-US ATTORNEYS OFFICE

6177483951

T-405 P.006/007

F-635

COUNT FIVE: (18 U.S.C. § 474 - Possession of Counterfeit Obligations)

The Grand Jury further charges that:

In or about March 31, 2003, at Quincy, in the District of Massachusetts,

ELLSWORTH ROSTON,

defendant herein, did knowingly have in his possession and custody, without authority from the Secretary of the Treasury and any other proper officer, various obligations and other securities of the United States, made and executed, in whole and in part, after the similitude of obligations and other securities issued under the authority of the United States, with intent to sell and otherwise use the same.

All in violation of Title 18, United States Code, Section 474.

02-16-2004 15:37

From-US ATTORNEYS OFFICE

6177483951

T-408

P.007/007

F-835

A TRUE BILL

Shane E. Burke
FOREPERSON OF THE GRAND JURY

Robert E. Richardson
ROBERT E. RICHARDSON
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS, *Jan. 28th*, 2004

Returned into the District Court by Grand Jurors and filed.

Lina Offra
DEPUTY CLERK
1/28/04 at 1:15 PM